

RECEIVED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APR 12 2005

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

JAMES KELLY

FILED

MAY 17 2005

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

vs.

Case No: 04-C-8213
(To be supplied by the Clerk of this Court)

Callie Baird; Dir
CCJ, MICHAEL SHEANAN,
SHERIFF CCJ; Supert
D. BROWN CCJ;

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

- ☒ Amended
COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)
- ☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331(a) U.S. Code (federal defendants)
- ☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: JAMES KELLY
- B. List all aliases: NONE
- C. Prisoner identification number: 20040040348
- D. Place of present confinement: DEPT. CORR. COOK COUNTY ILL
- E. Address: 2600 SOUTH CALIFORNIA, CHICAGO, IL

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Colby BAIRD
Title: DIRECTOR
Place of Employment: COOK COUNTY ILL
- B. Defendant: MICHAEL SHEANAN
Title: SHERIFF COOK COUNTY ILL
Place of Employment: COOK COUNTY ILL
- C. Defendant: D. BROWN
Title: SUPERT
Place of Employment: COOK COUNTY ILL

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (☒) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (☒) NO ()

C. If your answer is YES:

1. What steps did you take?

Filed GRIEVANCE Complaint for Law
Lib was ~~an~~ without Paper for legal copies.

2. What was the result?

NEVER GOT A RESPONSE, IT DIDN'T
EVERY GET ACKNOWLEDGED.

3. If the grievance was not resolved to your satisfaction, did you appeal?

What was the result (if there was no procedure for appeal, so state.)

THE GRIEVANCE PROCEDURE IS SYSTEMATICALLY
BEING DENIED BY THE DEFENDANTS, DEFENDANTS
GIVE PRETRIAL DETAINERS THE RUN-AROUND
UPON FILING RECEIVING CORRS, ETC.

D. If your answer is NO, explain why not:

YOU FIRST HAVE TO HAVE A HEARING
FOR THE PROCESS TO BEGIN

E. Is the grievance procedure now completed? YES (✓) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES (✓) NO ()

G. If your answer is YES:

1. What steps did you take?

As Alleged HEREIN, this is the
Basis of this Action.

2. What was the result?

NONE

H. If your answer is NO, explain why not:

Systematically DENIED OF the
PROCEDURE, PROCESS, to bring the
Process - Start

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

A. Name of case and docket number: NONE

B. Approximate date of filing lawsuit: N/A

C. List all plaintiffs (if you had co-plaintiffs), including any aliases: X

D. List all defendants: N/A

E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A

F. Name of judge to whom case was assigned: N/A

G. Basic claim made: N/A

H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A

H. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

I.

Callie Baird, is the Director of the County Jail, and its her responsibility to see that PRETRIAL DETAINEE'S FONDS, Mails, ARE CONSISTENT WITH THE CONSTITUTION, RULES AND REGULATIONS OF THE COOK COUNTY Jail.

ON JULY 04-2004, MY BROTHER JOEY KELLY 108 SOUTH ITAWE, MAZWOOD, IL. SENT ME A MONEY ORDER FOR SEVENTY-DOLLARS AND NO CENTS, TO THE COOK COUNTY JAIL, BUT I DIDN'T THAT IT WAS A POLICY THAT AN INMATE COULDN'T RECEIVE OVER FIFTY DOLLARS, PLAINTIFF CONTACTED HIS BROTHER AND ASKED HIM DID HE SEND ME THE FONDS, HE SAID YES, AND I TOLD HIM I DIDN'T RECEIVE THEM, AND HE NEVER RECEIVED THE FONDS BACK. (HAVE A COPY OF MONEY ORDER).

PLAINTIFF'S NEVER RECEIVED ANY INFORMATION

From the institution concerning that the funds was sent back, ONE WAY OR THE OTHER. This is NOT the first encounter that I've witnessed in the Cook County Jail, ONCE in 1994 charge of forgery, \$150.00 dollars lost, - Property Jewelry, Cell-Phone - diamond - ear-ring, wrist watch. NEVER Received back ANY of the Items. Plaintiff has attached an Affidavit of PRE-TRIAL detainee - James Cipson, which is suffering from the same Practice, Custom, Policy - C.C.J.

II.

ON August 17, 2004, Plaintiff was called to the Law Lib DIV 5, for legal Research, and wanted a copy of CASE LAW, *Copy of ILLINOIS STATUTORY LAW. THE CASE LAW WAS NOT ON THE SHelf, BUT ON CD-ROM and ASKED FOR A COPY and WAS told that it was NO paper to provide Plaintiff

NOTES WAS TOLD
THAT PLAINTIFF COULD
NOT HAVE A COPY
OF STATUTES OUT
OF BOOK ON THE
SHELF.

WITH THE CASE LAW. SO PLAINTIFF
FILED A GRIEVANCE, RELATING TO
THE THIS SITUATION, THAT SAME
MONTH OF AUGUST PLAINTIFF NEVER
GOT A RESPONSE TO THE FILING OF
THE GRIEVANCE. NOBODY CAN EXPLAIN
THE PROCESS, OR THE OFFICER'S WILL
TELL YOU TO FILL OUT AND PUT
IT IN THE GRIEVANCE BOX, BUT
AFTER THAT IT'S SYSTEMATICALLY
LOST.

ALSO WHEN THE OFFICER'S WORK IN
THE HOUSING UNIT, AND THERE ARE
DISPUTES WITH THEM, THEY ARE QUICK
TO TALK YOU - HERE NAME AND #
AND IF DISLIKE IT FILE A GRIEVANCE
KNOWING THAT "THE GRIEVANCE WILL
NEVER BE HEARD" EXHIBITS, HOUSE &
BOSS;

PRE-TRIAL DETAINEE'S MUST HAVE
AN EFFECTIVE GRIEVANCE PROCEDURE
WITHIN THE COOK COUNTY JAIL, TO
AIR OR PROBLEM WITHIN THE JAIL
WITHOUT IT, IT GIVES DETAINEE'S A

SENSE OF POWERLESSNESS, AND
Anything Can be done to us &
there will be NO OFFICIAL will
be HELD ACCOUNTABLE for the
WRONGS OR ACTS OF the OFFICER'S

III

I've BEEN CONFINED within the
Cook County Jail Since May 20, 2004,
while HERE, there HAS BEEN NO
PROPER SANITATION products issued
to KEEP the UNIT, CELLS, BathRoom,
SHOWER, TO MAINTAIN A Healthy
LIVING ENVIRONMENT. WE Eat at the
SAME-TABLES - WHERE CARDS GAMES,
CHESS, watch T.V. write, sit couch +
everything else. People Come and go
As you know with all kinds of
Symptoms. The Windows within the
Unit HAS ABOUT five-years of
GRIME between the GRADING.

~~6004~~

ON 10-11-04, PLAINTIFF WENT FOR clothing change, And upon leaving, PLAINTIFF ASKED FOR SOAP, BECAUSE WE HADN'T HAD SOAP FOR THE LAST TWO WEEKS, ONLY 20 BARS WAS SENT TO THE UNIT OF 61 PRETRIAL DE-TAINEES, And Somebody is NOT going to get SOAP. So the officer working the clothing room CORDOVA, SAYS: THAT THE CAPT. SAID HE DIDN'T WANT HIM TO SEND THE PROPER AMOUNT TO THE UNITS.

FOR THE LAST MONTH + A HALF PLAINTIFF WAS BEING FED IN THE MORNINGS cold food, CEREAL, CHEESE, AND THAT IT. DETAINEES RECEIVE cold cuts VERY DAY 1 + NOON.

MICHAEL SHEAHNAN, IS THE SHERIFF, AS WARDEN OF THE COOK COUNTY JAIL IT IS HIS DUTY AND RESPONSIBILITY TO MAINTAIN THE CONDITIONS OF THE JAIL, PROVIDE CLEANLINESS

Whole some food, Running water
in each cell, Proper Bedding, The
Superintendent is Appointed
by the Sheriff, Michael Sheahan
whose Conduct the Sheriff
is Responsibility for. The GRIEVANCE
Procedure is the Responsibility
of Supt. D. Brown, And his
duty is to Administer the
Policy of the Sheriff, by statute,
Callie Baird, is the Director
of the Cook County Jail At
the time of the Allegations,
And it is her Responsibility to
See that the officers, Supt,
Employee's, Carry Out the duties
to Maintain safety, cleanliness, provide
Soap, Sanitation Products, GRIEVANCE
Procedure + Hearings Managing Inmate's
Funds, personal property's ect.

VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

INJUNCTIVE AND DECLARATORY RELIEF IN THE
AMOUNT OF \$6,500.00, PUNITIVE DAMAGES IN THE
AMOUNT OF \$1,500.00 FOR EACH DEFENDANT,
COMPENSATORY DAMAGES \$1,500.00 EACH DEFENDANT,
AND WHATEVER EQUITABLE RELIEF THIS
HONORABLE COURT SEEMS OR DEEMS JUST & FAIR.

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 22 day of MARCH, 2005

James Kelly

(Signature of plaintiff or plaintiffs)

JAMES KELLY
(Print name)

20040040348
(I.D. Number)

2600 South California Chicago
(Address)

COOK COUNTY DEPARTMENT OF CORRECTIONS DETAINEE REQUEST FORM

Please request only one(1) of the following service(s):

- | | | |
|---|---|--|
| <input type="checkbox"/> Write out | <input type="checkbox"/> Parole Information | <input type="checkbox"/> Chaplain |
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Law Library | <input type="checkbox"/> Muslim Services |
| <input type="checkbox"/> Drug Unit Transfer | <input type="checkbox"/> Public Library | <input type="checkbox"/> Catholic Services |
| <input type="checkbox"/> Trust Fund Balance | <input type="checkbox"/> Mail Information | <input type="checkbox"/> Protestant Services |
| <input type="checkbox"/> Board of Ed 17-21 yrs. | <input type="checkbox"/> Commissary | <input type="checkbox"/> Lutheran Services |
| <input type="checkbox"/> Ged - 21yrs. & over | | <input type="checkbox"/> Baptist Services |
| <input checked="" type="checkbox"/> Other | | <input type="checkbox"/> Jewish Services |

ATTN: SOCIAL WORKER, MR. DEAN

DETAINEE INFORMATION	
Detainee Name <u>JAMES KELLY</u>	Date Submitted <u>8-19-04</u>
Detainee ID# <u>20010040348</u>	Court Date <u>8-26-04</u>
Division <u>FIVE</u>	Living Unit <u>B-C-D-6</u>
Detainee Signature <u>James Kelly</u>	
DETAINEE REQUEST	
<p>I discuss with you before your leave, that I had seventy dollar sent here and never received it, nor has it been sent back to my brother check please</p> <p>(54.98 Fund) check not keep ARAMARK Found</p>	
Staff Signature <u>Dean</u>	Date Detainee Received Response/Service

Thank you

A seventy dollar credit was not located in the system. Please check with the trust fund. Jt Aramark

EXHIBIT

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT
STATE OF ILLINOIS

JAMES KELLY
PLAINTIFF

vs

CALLIE BAIRD et al
DEFENDANTS

CASE # 04-C-8213

THE HONORABLE

JUDGE: MATTHEW

F. KENNELLY

Presiding.

CERTIFICATE OF SERVICE

I, JAMES KELLY, SWEAR UNDER PENALTY
OF PERJURY that I served a copy
of the attached document ON
DEFENDANTS, by placing it in the
mail at the COOK COUNTY CORRECTIONAL
CENTER ON APRIL 7, 2005.